

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 750
2 INTRODUCED BY Gilbert

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EMPLOYEE
5 AND COMMUNITY HAZARDOUS CHEMICAL INFORMATION ACT; SPECIFYING
6 THE RELATIONSHIP OF THE ACT TO FEDERAL LAWS; SPECIFYING THE
7 APPLICATION OF THE ACT TO DISTRIBUTORS; AMENDING SECTIONS
8 50-78-103, 50-78-104, AND 50-78-301, MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 50-78-103, MCA, is amended to read:

13 "50-78-103. Applicability -- exemptions. (1) The
14 provisions of this chapter do not apply to:

15 (a) any consumer product intended for personal
16 consumption or use by an employee;

17 (b) any retail food sale establishment or other retail
18 trade establishment, exclusive of processing and repair
19 areas;

20 (c) a food, drug, or cosmetic as defined in the
21 Montana Food, Drug, and Cosmetic Act, Title 50, chapter 31;

22 (d) a source of ionizing radiation that is an exempt
23 or generally licensed material or device, as defined and
24 described in rules adopted under 75-3-202 and implementing
25 75-3-104 and 75-3-202;

1 (e) the radiological properties of any source,
2 byproduct, or special nuclear material as defined in
3 sections 11(z), 11(aa), and 11(e)(1) of the federal Atomic
4 Energy Act of 1954; or

5 (f) sealed containers of hazardous chemicals during
6 transportation or while in storage at transportation
7 terminals or at a facility of a distributor, so long as
8 existing labels are not removed or defaced and the employer
9 distributes material safety data sheets as required under
10 50-78-203(1) and complies with state and federal regulations
11 relating to the transportation of hazardous chemicals.

12 (2) Employers operating the following workplaces are
13 in compliance with this chapter if they retain and make
14 accessible to employees and, when applicable, to students,
15 all material safety data sheets received or, if no material
16 safety data sheet is received for a hazardous chemical, any
17 other information received on its hazards and safe handling
18 and if the provisions of 50-78-206, 50-78-301~~(6)~~(2) through
19 ~~(8)~~(4), and 50-78-305 are met:

20 (a) a teaching, research, or testing laboratory,
21 including any associated storeroom;

22 (b) a clinical laboratory or health care facility as
23 defined in 50-5-101;

24 (c) a pharmacy as defined in 37-7-101; or

25 (d) an office of a physician, dentist, osteopath,



1 podiatrist, optometrist, or veterinarian licensed under
2 Title 37.

3 (3) The provisions of this chapter do not apply to any
4 hazardous chemical subject to the packaging and labeling
5 requirements imposed under the Federal Insecticide,
6 Fungicide, and Rodenticide Act, 7 U.S.C. 136, et seq.,
7 except that a chemical manufacturer producing such
8 hazardous chemicals must comply with all provisions of this
9 chapter."

10 Section 2. Section 50-78-104, MCA, is amended to read:

11 "50-78-104. Relationship to OSHA standard. ~~{1}~~
12 ~~Manufacturing--employers-and-distributors-that-are-regulated~~
13 ~~by-and-complying-with-the-provisions-of--the--OSHA--standard~~
14 ~~are--exempt--from-the-provisions-of-this-chapter,-except-for~~
15 ~~50-78-202-through-50-78-204-and-50-78-301.~~

16 ~~{2}--Nonmanufacturing-employers-that-adopt--and--comply~~
17 ~~with-the-provisions-of-the-OSHA-standard-are-exempt-from-the~~
18 ~~provisions--of--this--chapter,-except-for-50-78-202-through~~
19 ~~50-78-204-and-50-78-301. Any employer complying with the~~
20 ~~provisions of the OSHA standard, whether or not that~~
21 ~~employer is regulated by the OSHA standard, is exempt from~~
22 ~~the provisions of this chapter, except for 50-78-204 and~~
23 ~~50-78-301.~~"

24 Section 3. Section 50-78-301, MCA, is amended to read:

25 "50-78-301. Emergency and community information. (1)

1 ~~An--employer--normally--having--hazardous--chemicals--in--the~~
2 ~~workplace--of--his--employees--shall--record--the--following~~
3 ~~information--with--the--clerk--and--recorder--of--the--county--in~~
4 ~~which--the--workplace--is--located.~~

5 ~~{a}--an--acknowledged--copy--of--each--new--annual--workplace~~
6 ~~chemical--list,-and~~

7 ~~{b}--a--list--acknowledged--by--the--employer--of--the--names~~
8 ~~or--titles--and--telephone--numbers--of--knowledgeable~~
9 ~~representatives--of--the--employer--or--the--chemical--manufacturer~~
10 ~~who--can--be--contacted--for--further--information--or--in--case--of~~
11 ~~an--emergency.~~

12 ~~{2}--An--employer--may--record--a--copy--of--a--material--safety~~
13 ~~data--sheet--for--any--hazardous--chemical--in--the--workplace.~~

14 ~~{3}--The--county--clerk--and--recorder--shall--record--the~~
15 ~~information--provided--under--subsection--(1).--The--county--clerk~~
16 ~~and--recorder--shall--index--the--information--provided--under~~
17 ~~subsection--(1)--by--workplace--name,-and--all--entries--for--a~~
18 ~~workplace--must--be--grouped--together--in--the--index.-The--index~~
19 ~~must--not--be--combined--with--any--other--type--of--index.~~

20 ~~{4}--All--information--submitted--under--subsection--(1)--is~~
21 ~~public--information--and--must--be--available--at--the--office--of~~
22 ~~the--county--clerk--and--recorder--during--normal--working--hours--to~~
23 ~~any--person--for--inspection--and--copying--at--the--expense--of--the~~
24 ~~person--requesting--copies.~~

25 ~~{5}--The--local--fire--chief--shall--inspect--all--information~~

1 ~~maintained--by--the--county--clerk--and--recorder--on--workplace~~
 2 ~~hazardous-chemicals: An employer shall comply with the~~
 3 ~~provisions of the federal Emergency Planning and Community~~
 4 ~~Right-To-Know Act of 1986 or be subject to the enforcement~~
 5 ~~provisions thereof.~~

6 †6†(2) The local fire chief must be permitted onsite
 7 inspection of hazardous chemicals in any workplace,
 8 including workplaces under the control of a state agency,
 9 for the purposes of planning fire department activities in
 10 case of an emergency and reviewing compliance with this
 11 chapter. For a workplace that employs fire safety
 12 personnel, the local fire chief shall consult with the
 13 responsible fire safety official to clarify respective roles
 14 and response procedures in the event of an emergency.

15 †7†(3) As a result of an inspection, the local fire
 16 chief may note and report for possible action by the county
 17 attorney or other appropriate law enforcement official any
 18 violation by an employer of a provision of this chapter or
 19 any other law pertaining to hazardous chemicals or fire
 20 safety.

21 †8†(4) The local fire chief shall consult at least
 22 annually on safety and emergency considerations with each
 23 person responsible for the operation of any research,
 24 educational, or testing laboratory workplace. The
 25 consultation may result in recommendations or, under the

1 provisions of 50-62-108, orders by the fire chief to be
 2 implemented by the laboratory operator to enhance public
 3 safety, to reduce the likelihood of emergency incidents, or
 4 to improve emergency response in the event of an accident.
 5 The person responsible for the operation of the laboratory
 6 shall contact the local fire chief at any time there is a
 7 significant change in the location or nature of the
 8 hazardous chemicals in the workplace, initiation of any new
 9 and potentially dangerous method of processing or reacting
 10 hazardous chemicals, or any other operational change
 11 affecting emergency response considerations."

12 NEW SECTION. Section 4. Effective date. This act is
 13 effective on passage and approval.

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 750

INTRODUCED BY GILBERT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EMPLOYEE AND COMMUNITY HAZARDOUS CHEMICAL INFORMATION ACT; SPECIFYING THE RELATIONSHIP OF THE ACT TO FEDERAL LAWS; SPECIFYING THE APPLICATION OF THE ACT TO DISTRIBUTORS; AMENDING SECTIONS 50-78-103, 50-78-104, AND 50-78-301, MCA; AND PROVIDING AN IMMEDIATE CONTINGENT EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-78-103, MCA, is amended to read:

"50-78-103. Applicability -- exemptions. (1) The provisions of this chapter do not apply to:

(a) any consumer product intended for personal consumption or use by an employee;

(b) any retail food sale establishment or other retail trade establishment, exclusive of processing and repair areas;

(c) a food, drug, or cosmetic as defined in the Montana Food, Drug, and Cosmetic Act, Title 50, chapter 31;

(d) a source of ionizing radiation that is an exempt or generally licensed material or device, as defined and described in rules adopted under 75-3-202 and implementing 75-3-104 and 75-3-202;

(e) the radiological properties of any source, byproduct, or special nuclear material as defined in sections 11(z), 11(aa), and 11(e)(1) of the federal Atomic Energy Act of 1954; or

(f) sealed containers of hazardous chemicals;

(I) during transportation or while in storage at transportation terminals or-at-a-facility-of-a-distributor, so long as existing labels are not removed or defaced and the employer distributes--material--safety--data--sheets--as required--under--50-78-203(1)--and complies with state and federal regulations relating to the transportation of hazardous chemicals; OR

(II) AT A FACILITY OF A DISTRIBUTOR, SO LONG AS EXISTING LABELS ARE NOT REMOVED OR DEFACED AND THE EMPLOYER DISTRIBUTES MATERIAL SAFETY DATA SHEETS AS REQUIRED UNDER 50-78-203(1).

(2) Employers operating the following workplaces are in compliance with this chapter if they retain and make accessible to employees and, when applicable, to students, all material safety data sheets received or, if no material safety data sheet is received for a hazardous chemical, any other information received on its hazards and safe handling and if the provisions of 50-78-206, 50-78-301(6)(2) through 50-78-305 are met:

(a) a teaching, research, or testing laboratory,

1 including any associated storeroom;
 2 (b) a clinical laboratory or health care facility as
 3 defined in 50-5-101;
 4 (c) a pharmacy as defined in 37-7-101; or
 5 (d) an office of a physician, dentist, osteopath,
 6 podiatrist, optometrist, or veterinarian licensed under
 7 Title 37.
 8 (3) The provisions of this chapter do not apply to any
 9 hazardous chemical subject to the packaging and labeling
 10 requirements imposed under the Federal Insecticide,
 11 Fungicide, and Rodenticide Act, 7 U.S.C. 136, et seq.,
 12 except that a chemical manufacturer producing such
 13 hazardous chemicals must comply with all provisions of this
 14 chapter."
 15 Section 2. Section 50-78-104, MCA, is amended to read:
 16 "50-78-104. Relationship to OSHA standard. (1)
 17 ~~Manufacturing employers and distributors that are regulated~~
 18 ~~by and complying with the provisions of the OSHA standard~~
 19 ~~are exempt from the provisions of this chapter, except for~~
 20 ~~50-78-202 through 50-78-204 and 50-78-301.~~
 21 (2) ~~Nonmanufacturing employers that adopt and comply~~
 22 ~~with the provisions of the OSHA standard are exempt from the~~
 23 ~~provisions of this chapter, except for 50-78-202 through~~
 24 ~~50-78-204 and 50-78-301.~~ Any employer complying with the
 25 provisions of the OSHA standard, whether or not that

1 employer is regulated by the OSHA standard, is exempt from
 2 the provisions of this chapter, except for 50-78-204 and
 3 50-78-301."
 4 Section 3. Section 50-78-301, MCA, is amended to read:
 5 "50-78-301. Emergency and community information. (1)
 6 ~~An employer normally having hazardous chemicals in the~~
 7 ~~workplace of his employees shall record the following~~
 8 ~~information with the clerk and recorder of the county in~~
 9 ~~which the workplace is located:~~
 10 (a) ~~an acknowledged copy of each new annual workplace~~
 11 ~~chemical list; and~~
 12 (b) ~~a list acknowledged by the employer of the names~~
 13 ~~or titles and telephone numbers of knowledgeable~~
 14 ~~representatives of the employer or the chemical manufacturer~~
 15 ~~who can be contacted for further information or in case of~~
 16 ~~an emergency;~~
 17 (2) ~~An employer may record a copy of a material safety~~
 18 ~~data sheet for any hazardous chemical in the workplace;~~
 19 (3) ~~The county clerk and recorder shall record the~~
 20 ~~information provided under subsection (1). The county clerk~~
 21 ~~and recorder shall index the information provided under~~
 22 ~~subsection (1) by workplace name, and all entries for a~~
 23 ~~workplace must be grouped together in the index. The index~~
 24 ~~must not be combined with any other type of index.~~
 25 (4) ~~All information submitted under subsection (1) is~~

~~public--information--and--must--be--available--at--the--office--of
the--county--clerk--and--recorder--during--normal--working--hours--to
any--person--for--inspection--and--copying--at--the--expense--of--the
person--requesting--copies-~~

~~(5)--The--local--fire--chief--shall--inspect--all--information
maintained--by--the--county--clerk--and--recorder--on--workplace
hazardous--chemicals. An employer shall comply with the
provisions of the federal Emergency Planning and Community
Right-To-Know Act of 1986 or be subject to the enforcement
provisions thereof.~~

(6)(2) The local fire chief must be permitted onsite inspection of hazardous chemicals in any workplace, including workplaces under the control of a state agency, for the purposes of planning fire department activities in case of an emergency and reviewing compliance with this chapter. For a workplace that employs fire safety personnel, the local fire chief shall consult with the responsible fire safety official to clarify respective roles and response procedures in the event of an emergency.

(7)(3) As a result of an inspection, the local fire chief may note and report for possible action by the county attorney or other appropriate law enforcement official any violation by an employer of a provision of this chapter or any other law pertaining to hazardous chemicals or fire safety.

(8)(4) The local fire chief shall consult at least annually on safety and emergency considerations with each person responsible for the operation of any research, educational, or testing laboratory workplace. The consultation may result in recommendations or, under the provisions of 50-62-108, orders by the fire chief to be implemented by the laboratory operator to enhance public safety, to reduce the likelihood of emergency incidents, or to improve emergency response in the event of an accident. The person responsible for the operation of the laboratory shall contact the local fire chief at any time there is a significant change in the location or nature of the hazardous chemicals in the workplace, initiation of any new and potentially dangerous method of processing or reacting hazardous chemicals, or any other operational change affecting emergency response considerations."

NEW SECTION. Section 4. Effective date. This act is effective on ~~passage--and--approval~~ IMPLEMENTATION OF THE PROVISIONS OF THE FEDERAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986 IN MONTANA.

-End-

1 HOUSE BILL NO. 750

2 INTRODUCED BY GILBERT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EMPLOYEE
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6 THE RELATIONSHIP OF THE ACT TO FEDERAL LAWS; SPECIFYING THE
7 APPLICATION OF THE ACT TO DISTRIBUTORS; AMENDING SECTIONS
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14 provisions of this chapter do not apply to:15 (a) any consumer product intended for personal
16 consumption or use by an employee;17 (b) any retail food sale establishment or other retail
18 trade establishment, exclusive of processing and repair
19 areas;20 (c) a food, drug, or cosmetic as defined in the
21 Montana Food, Drug, and Cosmetic Act, Title 50, chapter 31;22 (d) a source of ionizing radiation that is an exempt
23 or generally licensed material or device, as defined and
24 described in rules adopted under 75-3-202 and implementing
25 75-3-104 and 75-3-202;1 (e) the radiological properties of any source,
2 byproduct, or special nuclear material as defined in
3 sections 11(z), 11(aa), and 11(e)(1) of the federal Atomic
4 Energy Act of 1954; or5 (f) sealed containers of hazardous chemicals:
6 (I) during transportation or while in storage at
7 transportation terminals or-at-a-facility-of-a-distributor,
8 so long as existing labels are not removed or defaced and
9 the employer distributes--material--safety--data--sheets--as
10 required--under--50-78-203(1)--and complies with state and
11 federal regulations relating to the transportation of
12 hazardous chemicals; OR13 (II) AT A FACILITY OF A DISTRIBUTOR, SO LONG AS
14 EXISTING LABELS ARE NOT REMOVED OR DEFACED AND THE EMPLOYER
15 DISTRIBUTES MATERIAL SAFETY DATA SHEETS AS REQUIRED UNDER
16 50-78-203(1).17 (2) Employers operating the following workplaces are
18 in compliance with this chapter if they retain and make
19 accessible to employees and, when applicable, to students,
20 all material safety data sheets received or, if no material
21 safety data sheet is received for a hazardous chemical, any
22 other information received on its hazards and safe handling
23 and if the provisions of 50-78-206, 50-78-301(6)(2) through
24 (8)(4), and 50-78-305 are met:

25 (a) a teaching, research, or testing laboratory,

1 including any associated storeroom;
 2 (b) a clinical laboratory or health care facility as
 3 defined in 50-5-101;
 4 (c) a pharmacy as defined in 37-7-101; or
 5 (d) an office of a physician, dentist, osteopath,
 6 podiatrist, optometrist, or veterinarian licensed under
 7 Title 37.
 8 (3) The provisions of this chapter do not apply to any
 9 hazardous chemical subject to the packaging and labeling
 10 requirements imposed under the Federal Insecticide,
 11 Fungicide, and Rodenticide Act, 7 U.S.C. 136, et seq.,
 12 except that a chemical manufacturer producing such
 13 hazardous chemicals must comply with all provisions of this
 14 chapter."
 15 Section 2. Section 50-78-104, MCA, is amended to read:
 16 "50-78-104. Relationship to OSHA standard. (1)
 17 ~~Manufacturing employers and distributors that are regulated~~
 18 ~~by and complying with the provisions of the OSHA standard~~
 19 ~~are exempt from the provisions of this chapter, except for~~
 20 ~~50-78-202 through 50-78-204 and 50-78-301.~~
 21 (2) ~~Nonmanufacturing employers that adopt and comply~~
 22 ~~with the provisions of the OSHA standard are exempt from the~~
 23 ~~provisions of this chapter, except for 50-78-202 through~~
 24 ~~50-78-204 and 50-78-301.~~ Any employer complying with the
 25 provisions of the OSHA standard, whether or not that

1 employer is regulated by the OSHA standard, is exempt from
 2 the provisions of this chapter, except for 50-78-204 and
 3 50-78-301."
 4 Section 3. Section 50-78-301, MCA, is amended to read:
 5 "50-78-301. Emergency and community information. (1)
 6 ~~An employer normally having hazardous chemicals in the~~
 7 ~~workplace of his employees shall record the following~~
 8 ~~information with the clerk and recorder of the county in~~
 9 ~~which the workplace is located:~~
 10 (a) ~~an acknowledged copy of each new annual workplace~~
 11 ~~chemical list; and~~
 12 (b) ~~a list acknowledged by the employer of the names~~
 13 ~~or titles and telephone numbers of knowledgeable~~
 14 ~~representatives of the employer or the chemical manufacturer~~
 15 ~~who can be contacted for further information or in case of~~
 16 ~~an emergency;~~
 17 (2) ~~An employer may record a copy of a material safety~~
 18 ~~data sheet for any hazardous chemical in the workplace.~~
 19 (3) ~~The county clerk and recorder shall record the~~
 20 ~~information provided under subsection (1). The county clerk~~
 21 ~~and recorder shall index the information provided under~~
 22 ~~subsection (1) by workplace name, and all entries for a~~
 23 ~~workplace must be grouped together in the index. The index~~
 24 ~~must not be combined with any other type of index.~~
 25 (4) ~~All information submitted under subsection (1) is~~

1 public--information--and--must-be-available-at-the-office-of
 2 the-county-clerk-and-recorder-during-normal-working-hours-to
 3 any-person-for-inspection-and-copying-at-the-expense-of--the
 4 person-requesting-copies:

5 ~~(5)~~--The-local-fire-chief-shall-inspect-all-information
 6 maintained--by--the--county--clerk-and-recorder-on-workplace
 7 hazardous-chemicals: An employer shall comply with the
 8 provisions of the federal Emergency Planning and Community
 9 Right-To-Know Act of 1986 or be subject to the enforcement
 10 provisions thereof.

11 (6)(2) The local fire chief must be permitted onsite
 12 inspection of hazardous chemicals in any workplace,
 13 including workplaces under the control of a state agency,
 14 for the purposes of planning fire department activities in
 15 case of an emergency and reviewing compliance with this
 16 chapter. For a workplace that employs fire safety
 17 personnel, the local fire chief shall consult with the
 18 responsible fire safety official to clarify respective roles
 19 and response procedures in the event of an emergency.

20 (7)(3) As a result of an inspection, the local fire
 21 chief may note and report for possible action by the county
 22 attorney or other appropriate law enforcement official any
 23 violation by an employer of a provision of this chapter or
 24 any other law pertaining to hazardous chemicals or fire
 25 safety.

1 (8)(4) The local fire chief shall consult at least
 2 annually on safety and emergency considerations with each
 3 person responsible for the operation of any research,
 4 educational, or testing laboratory workplace. The
 5 consultation may result in recommendations or, under the
 6 provisions of 50-62-108, orders by the fire chief to be
 7 implemented by the laboratory operator to enhance public
 8 safety, to reduce the likelihood of emergency incidents, or
 9 to improve emergency response in the event of an accident.
 10 The person responsible for the operation of the laboratory
 11 shall contact the local fire chief at any time there is a
 12 significant change in the location or nature of the
 13 hazardous chemicals in the workplace, initiation of any new
 14 and potentially dangerous method of processing or reacting
 15 hazardous chemicals, or any other operational change
 16 affecting emergency response considerations."

17 NEW SECTION. Section 4. Effective date. This act is
 18 effective on ~~passage--and--approval~~ IMPLEMENTATION OF THE
 19 PROVISIONS OF THE FEDERAL EMERGENCY PLANNING AND COMMUNITY
 20 RIGHT-TO-KNOW ACT OF 1986 IN MONTANA.

-End-

1 HOUSE BILL NO. 750

2 INTRODUCED BY GILBERT

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23 or generally licensed material or device, as defined and
24 described in rules adopted under 75-3-202 and implementing
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1 (e) the radiological properties of any source,
2 byproduct, or special nuclear material as defined in
3 sections 11(z), 11(aa), and 11(e)(1) of the federal Atomic
4 Energy Act of 1954; or

5 (f) sealed containers of hazardous chemicals:
6 (I) during transportation or while in storage at
7 transportation terminals ~~or-at-a-facility-of-a-distributor,~~
8 so long as existing labels are not removed or defaced and
9 the employer ~~distributes--material--safety--data--sheets--as~~
10 ~~required--under--50-78-203(i)--and~~ complies with state and
11 federal regulations relating to the transportation of
12 hazardous chemicals; OR

13 (II) AT A FACILITY OF A DISTRIBUTOR, SO LONG AS
14 EXISTING LABELS ARE NOT REMOVED OR DEPACED AND THE EMPLOYER
15 DISTRIBUTES MATERIAL SAFETY DATA SHEETS AS REQUIRED UNDER
16 50-78-203(1).

17 (2) Employers operating the following workplaces are
18 in compliance with this chapter if they retain and make
19 accessible to employees and, when applicable, to students,
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21 safety data sheet is received for a hazardous chemical, any
22 other information received on its hazards and safe handling
23 and if the provisions of 50-78-206, 50-78-301(6)(2) through
24 (8)(4), and 50-78-305 are met:

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1 including any associated storeroom;

2 (b) a clinical laboratory or health care facility as
3 defined in 50-5-101;

4 (c) a pharmacy as defined in 37-7-101; or

5 (d) an office of a physician, dentist, osteopath,
6 podiatrist, optometrist, or veterinarian licensed under
7 Title 37.

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9 hazardous chemical subject to the packaging and labeling
10 requirements imposed under the Federal Insecticide,
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12 except that a chemical manufacturer producing such
13 hazardous chemicals must comply with all provisions of this
14 chapter."

15 Section 2. Section 50-78-104, MCA, is amended to read:

16 "50-78-104. Relationship to OSHA standard. (1)
17 Manufacturing employers and distributors that are regulated
18 by and complying with the provisions of the OSHA standard
19 are exempt from the provisions of this chapter, except for
20 50-78-202 through 50-78-204 and 50-78-301.

21 (2) Nonmanufacturing employers that adopt and comply
22 with the provisions of the OSHA standard are exempt from the
23 provisions of this chapter, except for 50-78-202 through
24 50-78-204 and 50-78-301. Any employer complying with the
25 provisions of the OSHA standard, whether or not that

1 employer is regulated by the OSHA standard, is exempt from
2 the provisions of this chapter, except for 50-78-204 and
3 50-78-301."

4 Section 3. Section 50-78-301, MCA, is amended to read:

5 "50-78-301. Emergency and community information. (1)
6 An employer normally having hazardous chemicals in the
7 workplace of his employees shall record the following
8 information with the clerk and recorder of the county in
9 which the workplace is located:

10 (a) an acknowledged copy of each new annual workplace
11 chemical list; and

12 (b) a list acknowledged by the employer of the names
13 or titles and telephone numbers of knowledgeable
14 representatives of the employer or the chemical manufacturer
15 who can be contacted for further information or in case of
16 an emergency;

17 (2) An employer may record a copy of a material safety
18 data sheet for any hazardous chemical in the workplace;

19 (3) The county clerk and recorder shall record the
20 information provided under subsection (1). The county clerk
21 and recorder shall index the information provided under
22 subsection (1) by workplace name, and all entries for a
23 workplace must be grouped together in the index. The index
24 must not be combined with any other type of index;

25 (4) All information submitted under subsection (1) is

1 ~~public--information--and--must-be-available-at-the-office-of~~
 2 ~~the-county-clerk-and-recorder-during-normal-working-hours-to~~
 3 ~~any-person-for-inspection-and-copying-at-the-expense-of--the~~
 4 ~~person-requesting-copies.~~

5 ~~{5}--The-local-fire-chief-shall-inspect-all-information~~
 6 ~~maintained--by--the--county--clerk-and-recorder-on-workplace~~
 7 ~~hazardous-chemicals. An employer shall comply with the~~
 8 ~~provisions of the federal Emergency Planning and Community~~
 9 ~~Right-To-Know Act of 1986 or be subject to the enforcement~~
 10 ~~provisions thereof.~~

11 ~~{6}{2}~~ The local fire chief must be permitted onsite
 12 inspection of hazardous chemicals in any workplace,
 13 including workplaces under the control of a state agency,
 14 for the purposes of planning fire department activities in
 15 case of an emergency and reviewing compliance with this
 16 chapter. For a workplace that employs fire safety
 17 personnel, the local fire chief shall consult with the
 18 responsible fire safety official to clarify respective roles
 19 and response procedures in the event of an emergency.

20 ~~{7}{3}~~ As a result of an inspection, the local fire
 21 chief may note and report for possible action by the county
 22 attorney or other appropriate law enforcement official any
 23 violation by an employer of a provision of this chapter or
 24 any other law pertaining to hazardous chemicals or fire
 25 safety.

1 ~~{8}{4}~~ The local fire chief shall consult at least
 2 annually on safety and emergency considerations with each
 3 person responsible for the operation of any research,
 4 educational, or testing laboratory workplace. The
 5 consultation may result in recommendations or, under the
 6 provisions of 50-62-108, orders by the fire chief to be
 7 implemented by the laboratory operator to enhance public
 8 safety, to reduce the likelihood of emergency incidents, or
 9 to improve emergency response in the event of an accident.
 10 The person responsible for the operation of the laboratory
 11 shall contact the local fire chief at any time there is a
 12 significant change in the location or nature of the
 13 hazardous chemicals in the workplace, initiation of any new
 14 and potentially dangerous method of processing or reacting
 15 hazardous chemicals, or any other operational change
 16 affecting emergency response considerations."

17 NEW SECTION. Section 4. Effective date. {1} This act,
 18 EXCEPT FOR SECTION 3, IS EFFECTIVE ON PASSAGE AND APPROVAL.

19 {2} SECTION 3 is effective on passage-and-approval
 20 IMPLEMENTATION-OP COMPLETION OF THE FOLLOWING SEQUENCE OF
 21 EVENTS IN MONTANA UNDER THE PROVISIONS OF THE FEDERAL
 22 EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986
 23 IN-MONTANA:

24 {A} THE APPOINTMENT OF AN EMERGENCY PLANNING
 25 COMMISSION BY THE GOVERNOR;

1 (B) THE DESIGNATION BY THE COMMISSION OF EMERGENCY
2 PLANNING DISTRICTS THAT TOGETHER ENCOMPASS THE ENTIRE STATE;
3 AND
4 (C) THE APPOINTMENT OF MEMBERS TO LOCAL PLANNING
5 COMMITTEES IN EACH DISTRICT.

-End-

STANDING COMMITTEE REPORT

SCRHB750

SENATE

.....March 24,..... 19 87....

MR. PRESIDENT

Public Health, Welfare and Safety

We, your committee on.....

House Bill

750

having had under consideration..... No.....

third

blue

reading copy (_____)
color

REVISING HAZARDOUS CHEMICAL RIGHT-TO-KNOW LAW

GILBERT (ECK)

Respectfully report as follows: That.....House Bill..... No.....750.....

BE AMENDED AS FOLLOWS:

1. Title, line 8.

Following: "PROVIDING"

Strike: "AN"

Insert: "A"

2. Page 6, line 17.

Following: "date."

Insert: "(1)"

Following: "act"

Insert: ", except for section 3, is effective on passage
and approval.

(2) Section 3"

3. Page 6, line 18.

Following: "approval"

Strike: "IMPLEMENTATION OF"

Insert: "completion of the following sequence of events in
Montana under"

4. Page 6, line 20.

Following: "1986"

Strike: "IN MONTANA"

Insert: ":

(1) the appointment of an emergency planning
commission by the governor;

(2) the designation by the commission of
emergency planning districts that together encompass
the entire state; and

(3) the appointment of members to local planning
committees in each district"

~~DO PASS~~

~~DO NOT PASS~~

BE CONCURRED IN AS AMENDED

Rowley Eck

Chairman.

Senator Eck

*BRW
10:52
3/24*